

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD 212 East Washington Avenue, Third Floor Madison, Wisconsin May 5, 2009 9:30 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. G.A.B. Chairman Brennan certified the 2009 Spring Non-Partisan Election Canvass.	2
B. Received a report on the results of the November 2008 Big Ten Battleground Poll.	2
C. Denied a copyright enforcement request from Wisconsin Eye	2
D. Directed staff to pursue amendment of Wis. Stats. 7.23, concerning retention of electronic election data.	3
E. Directed staff to pursue amendment of Wis. Stats. 11.23, concerning a campaign finance registration and reporting threshold.	3
F. Directed staff to notify State Department of Administration of withdrawal of rule-making for GAB 15.05, concerning blind trusts.	3
G. Formally thanked Judge Victor Manian for his service on the G.A.B.	4

Present: Judge Michael Brennan, Judge William Eich, Judge Gerald Nichol, Judge Victor Manian, and Judge Gordon Myse

Absent: Judge Thomas Cane

Staff present: Kevin Kennedy, Jonathan Becker, Nat Robinson, David Buerger, Shane Falk, Michael Haas, Barbara Hansen, Sharrie Hauge, Ross Hein, Diane Lowe, Kyle Richmond, and Tommy Winkler

A. Call to order

Chairman Brennan called the meeting to order at 9:34 a.m.

B. Director's Report of Appropriate Notice of Meeting

The G.A.B. Director informed the Board that proper notice was given for the meeting.

C. Signing of the Canvass of the 2009 Spring Non-Partisan Election

Chairman Brennan reported that he would sign the canvass as the meeting proceeded.

D. Approval of Minutes of Previous Meeting

MOTION: Approve the minutes of the March 30-31, 2009, Government Accountability Board meeting. Moved by Nichol, seconded by Eich. Motion carried unanimously.

E. Report: Examining the Wisconsin Voter Experience

Dr. Barry Burden, UW Madison Political Science Department, reported to the Board the results of the Big Ten Battleground Poll following the November 4, 2008 General Election.

The report was for informational purposes only. The Board took no action.

F. Public Comment

There were no registrants for the public comment period.

*** Special Agenda Item:**

G.A.B. Resolution Recognizing Wisconsin's Municipal Clerks During Municipal Clerks Week

MOTION: Approve the resolution. Moved by Myse, seconded by Eich. Motion carried unanimously.

G. Wisconsin Eye Request for G.A.B. Copyright Enforcement
(presented by Mike Haas)

MOTION: Deny the request and express the Board's willingness to explore other possibilities to notify Wisconsin Eye viewers of the copyright issue. Moved by Nichol, seconded by Eich. Motion carried unanimously.

H. Legislation

Hearing no objection, the Chair took up item H.2 out of order.

H.2 Proposed Legislation on Electronic Election Data Retention
(Presented by Shane Falk)

Walworth County Clerk Kim Bushey and Dane County Clerk Bob Ohlsen also testified to the Board on this issue.

MOTION: Direct staff to work with the Wisconsin Legislature to amend Wis. Stats. 7.23 to provide a retention period of 22 months for electronic election data applied only to federal elections and to allow the destruction of election material in recount and election contest matters pursuant to the later of statutory timelines or expiration of appeals. Moved by Nichol, seconded by Eich. Motion carried unanimously.

The Chairman called a recess at 10:51 a.m. and the meeting reconvened at 11:05 a.m.

H.1 Proposed Legislation on Registration and Reporting Threshold
(Presented by Shane Falk, and Jennifer Lattis, DOJ)

MOTION: Direct staff to work with the Legislature to amend Wis. Stats. 11.23 to increase the threshold aggregate disbursement, contribution, obligation figure to \$500 and provide that same threshold in Wis. Stats. 11.05 for reporting and for a single source donor. Moved by Myse. The motion died for lack of a second.

MOTION: Direct staff to work with the Legislature to amend Wis. Stats. 11.23 to increase the threshold aggregate disbursement, contribution, obligation figure to \$750 and provide that same threshold in Wis. Stats. 11.05 for reporting and for a single source donor. Moved by Manian, seconded by Nichol. Motion carried unanimously.

H.3 Legislative Status Report
(presented by Kevin Kennedy and Jonathan Becker)

The report was for informational purposes only. The Board took no action.

The Chairman called a recess at 11:55 a.m.

During the recess, G.A.B. Director and General Counsel Kevin Kennedy was honored for his 30 years of service in state government.

The meeting reconvened at 12:48 p.m. after lunch.

I. Administrative Rules
(Presented by Shane Falk)

I.1 Rescind Rule Making Effort on Blind Trusts

MOTION: Direct staff to notify the State Department of Administration of the withdrawal of proposed rule-making for s. GAB 15.05, set forth the reasons for the withdrawal, and request that the G.A.B. withdrawal letter be posted to the Wisconsin Administrative Rules website. Moved by Myse, seconded by Eich. Motion carried unanimously.

I.2 Status Report on Pending Administrative Rules

The report was for informational purposes only. The Board took no action.

J. Report on Spring Election Recount Activity
(Presented by David Buerger)

The report was for informational purposes only. The Board took no action.

K. Report on Voting Equipment Security Audits
(Presented by Ross Hein)

The report was for informational purposes only. The Board took no action.

L. Director's Report

1. Elections Division Report
(Presented by Nat Robinson, Diane Lowe and Barbara Hansen)

The report was presented for informational purposes. The Board took no action.

2. Ethics and Accountability Division Report
(Presented by Jonathan Becker)

The report was presented for informational purposes. The Board took no action.

3. Office of the Director and General Counsel Report
(Presented by Kevin Kennedy and Sharrie Hauge)

The report was presented for informational purposes. The Board took no action.

MOTION: Thank Judge Victor Manian for his service to the State of Wisconsin and the Government Accountability Board. Moved by Myse, seconded by Nichol. Motion carried, 4-0.

M. Adjourn to closed session to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation.

MOTION: Move to closed session pursuant to Sections 5.05(6a), 19.85(1) (c), (g), (h), and 19.851 Wis. Stats., to consider written requests for advisory opinions, the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation. Moved by Eich, seconded by Nichol.

Roll call vote: Brennan:	Aye	Eich: Aye
Manian:	Aye	Myse: Aye
Nichol:	Aye	

Motion carried, 5-0.

Hearing no objection, the Chairman called a recess at 2:14 p.m. The Board reconvened in closed session beginning at 2:25 p.m.

Summary of Significant Actions Taken in Closed Session

- A. Requests for Advice: Two matters considered; one formal opinion issued.
- B. Investigations: Four considered; three closed – including the adoption of a finding of no probable cause In the matter of Senator Lena Taylor.

Adjournment

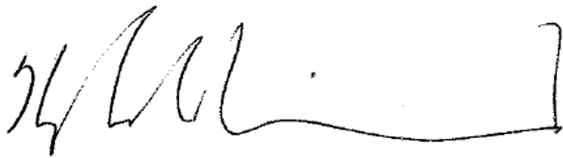
MOTION: Adjourn the meeting. Moved by Manian, seconded by Myse. Motion carried unanimously.

The meeting adjourned at 4:13 p.m.

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The next meeting of the Government Accountability Board is scheduled for 9:30 a.m., Monday, June 22, 2009 in the G.A.B. Conference Room, Third Floor, 212 East Washington Avenue, Madison, Wisconsin.

May 5, 2009 Government Accountability Board meeting minutes prepared by:



Kyle R. Richmond, Public Information Officer

May 8, 2009

Date

May 5, 2009 Government Accountability Board meeting minutes certified by:

Judge Gerald Nichol, Board Secretary

June 22, 2009

Date